

# Senate Amendment 3266

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1 1 Amend Senate File 538 as follows:  
1 2 #1. Page 1, by striking lines 5 through 8 and  
1 3 inserting the following: <society resulting from  
1 4 injury to or death of a minor child and may recover  
1 5 for the expense and actual loss of services,  
1 6 companionship, and society resulting from the death of  
1 7 an adult child.  
1 8 Sec. \_\_\_\_\_. Section 633.336, Code 2007, is amended  
1 9 to read as follows:  
1 10 633.336 DAMAGES FOR WRONGFUL DEATH.  
1 11 When a wrongful act produces death, damages  
1 12 recovered as a result of the wrongful act shall be  
1 13 disposed of as personal property belonging to the  
1 14 estate of the deceased; however, if the damages  
1 15 include damages for loss of services and support of a  
1 16 deceased spouse, ~~and~~ parent, or child, the damages  
1 17 shall be apportioned by the court among the surviving  
1 18 spouse, ~~and~~ children, and parents of the decedent in a  
1 19 manner as the court may deem equitable consistent with  
1 20 the loss of services and support sustained by the  
1 21 surviving spouse, ~~and~~ children, and parents  
1 22 respectively. Any recovery by a parent for the death  
1 23 of a child shall be subordinate to the recovery, if  
1 24 any, of the spouse or a child of the decedent. If the  
1 25 decedent leaves a spouse, child, or parent, damages  
1 26 for wrongful death shall not be subject to debts and  
1 27 charges of the decedent's estate, except for amounts  
1 28 to be paid to the department of human services for  
1 29 payments made for medical assistance pursuant to  
1 30 chapter 249A, paid on behalf of the decedent from the  
1 31 time of the injury which gives rise to the decedent's  
1 32 death up until the date of the decedent's death.>  
1 33 #2. By renumbering as necessary.  
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1 37 ROBERT M. HOGG  
1 38 SF 538.301 82  
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